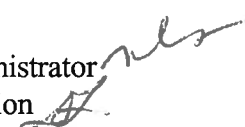


COUNTY OF LOUDOUN

DEPARTMENT OF BUILDING AND DEVELOPMENT

MEMORANDUM

DATE: August 14, 2007

TO: Members of the Board of Supervisors

FROM: Marilee Seigfried, Deputy Zoning Administrator 
Amy Lohr, Planner, Zoning Administration 

SUBJECT: Annual Review: ZOAM 2006-0003 & ZOAM 2007-0001

At the July 31, 2007 public hearing on the Annual Review, the Board asked for two documents during the August recess: an index of all the proposed changes and an explanation of the recommendations found in Attachment 1 (Summary Matrix) of the staff report dated July 31, 2007. The first document was sent on August 6, 2007. Attached please find the second requested document: explanation of the recommendations.

Attachment: Explanation of Recommendations contained in Attachment 1 of July 31, 2007 staff report

cc: Kirby Bowers, County Administrator
Linda Neri, Deputy County Administrator
Terrance D. Wharton, Director
Melinda Artman, Zoning Administrator

EXPLANATION OF RECOMMENDATIONS
CONTAINED IN SUMMARY MATRIX
ATTACHMENT 1 OF
JULY 31, 2007 STAFF REPORT

1. §1-103(N)(2) Route 28 Taxing District

This section of the Zoning Ordinance (ZO) deals with the Route 28 Tax District, stating that the 1972 Zoning Ordinance is the controlling ordinance and that only a property owner may petition the Board of Supervisors to change the zoning district. ZORC proposes to provide Route 28 property owners an opportunity to “opt-in” to the Revised 1993 Zoning Ordinance for a period of one year from the date of the adoption of the annual review.

ZORC RECOMMENDATION:

“The zoning of the Route 28 Tax District was frozen by the Virginia legislature in the early 1990’s to prevent potential downzoning of these properties, which pay an additional real estate tax surcharge to retired debt on improvements to Route 28. This means that a number of parcels in the Route 28 Tax District remain subject to the antiquated 1972 Zoning Ordinance. Each time the Zoning Ordinance is reviewed, suggestions are made to come up with a flexible way for landowners to “opt in” to the updated Zoning Ordinance, but there are technical legal difficulties to changing zoning administratively...[ZORC] recommend[s] that the Board initiate a process of allowing conversions from the 1972 ordinance to the current ordinance by letter requests that would be batched by the County once or twice a year at no cost to landowners, and adopted after the legally required hearings. These could be processed on the Board’s consent agenda.” (Source: February 10, 2006 transmittal letter to Scott York from ZORC)

STAFF RECOMMENDATION:

After consulting with the County Attorney’s office, staff advised the Planning Commission that such a provision would violate notice requirements required for all rezoning applications. “Opting-in” is a rezoning. Additionally, if the proposed changes are adopted there is a density increase in the commercial/industrial planned districts, which requires letter and newspaper notice.

PLANNING COMMISSION RECOMMENDATION:

Based upon advice received from staff, the Planning Commission recommended no changes to the existing text.

2. §1-404(A) Use of Nonconforming Lots

This section of the Zoning Ordinance allows non-conforming lots to be used for any permitted use even though the lot may not meet the lot area, lot width, and access provisions.

ZORC RECOMMENDATION:

ZORC recommends that any non-conforming lot may be used for any permitted use regardless of the nature of the nonconformity. ZORC additionally recommends that hamlet lots shall always be governed by the hamlet regulations. ZORC is trying to be pragmatic with these recommendations and codify a zoning administrator determination with regard to hamlet lots. ZORC's position is that any legally created nonconforming lot should be allowed to be used. Hamlets are such unique subdivisions that it would be difficult to apply current regulations and maintain the design integrity of the development. Allowing hamlet lots to continue to function under hamlet regulations makes administration of those subdivisions consistent and simple.

STAFF RECOMMENDATION:

During the Planning Commission work session, staff suggested that non-conforming lots be allowed to be used for any permitted use even though such lots may not meet the *lot requirements* of the district (as opposed to only lot area, lot width, and access requirements). With regard to hamlet lots, staff concurs with the intent of the ZORC proposal and suggested alternative language that provided the appropriate cross reference.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission recommends the alternative language proposed by staff.

3. §1-404(C) Boundary Line Adjustments

This section of the Zoning Ordinance provides the criteria by which lots may undergo a boundary line adjustment.

ZORC RECOMMENDATION:

“A boundary line adjustment is, or should be, a simple process in which the lot lines between two or more parcels are adjusted to change the configuration of the lots in whatever way is desired by the landowner(s). The essence of a boundary line adjustment is that no new developable lot or parcel is created. Unfortunately, in 2003 revisions made to Section 1-404(C), together with the dramatic increase in minimum lot size in rural areas (where most BLA's take place) made boundary line adjustments extremely difficult or impossible, because almost every BLA involved

increasing the degree of nonconformity of an existing lot. This had led to complaints and intense landowner dissatisfaction.” Thus ZORC recommends simplifying “boundary line adjustments to provide that they are allowed subject only to the limitation that the resulting lots meet the minimum lot area in effect at the time the lots were originally created.” (Source: Ibid) The ZORC text was amended during the June 11, 2007 Planning Commission work session to read: “Notwithstanding the provisions of paragraph (B) above, boundary line adjustments may be permitted between nonconforming lots, or between a conforming and a nonconforming lot, provided that the resulting lot(s) meet the minimum lot area in effect as of December 5, 2006.”

STAFF RECOMMENDATION:

Staff recommends retaining the existing text. Requiring lots to be in compliance with lot area at the time the lot was created would be difficult to administer and may require substantial research. In addition, such research may result in the identification of lots that were created “illegally.” The amendments would also permit conforming lots to become nonconforming, which staff does not support. In general, the degree of nonconformity should not be allowed to increase for nonconforming lots. Staff feels that the existing language adequately addresses boundary lines adjustments for nonconforming lots.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission recommends a middle ground between the Staff and ZORC recommendations that allows BLAs in certain circumstances to correct situations when there was a survey inconsistency or to permit existing structures, fences, and driveways to locate on the lot that they serve.

4. §1-405(D) Effect of Approval

Loudoun County has an unusual provision that allows the Board of Supervisors to extinguish nonconforming status upon approval of a special exception. These provisions allow a nonconforming structure or use to expand, something otherwise prohibited. This section further stipulates that upon granting of a special exception, the use or structure is not considered non-conforming unless the use or structure is abandoned or discontinued for a period of 180 days.

ZORC RECOMMENDATION:

ZORC proposes to extend the abandonment or discontinuation time period from 180 days to two years. This change would be consistent with the provisions contained in Section 1-402 (B) “Discontinuation of a Nonconforming Use”. Additionally, someone who goes through the time and expense of a special exception should be afforded a greater period of time to re-establish the use/structure.

STAFF RECOMMENDATION:

Staff concurs with the Planning Commission recommendation to specify a time period of one year.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission recommends one year. The existing 180 days was not enough time while the two years recommended by ZORC was too long so a middle ground is recommended.

5. §2-403(HHH) [And Table 2-102, 2-202 and 5-661]

This section is the special exception use list for the A-3 Agricultural-Residential district and the specific use is “indoor recreation.” The Board subsequently adopted an intent to amend that would add “recreation establishment, indoor” to the AR-1 and AR-2 use tables.

ZORC RECOMMENDATION:

ZORC made this recommendation in response to a landowner request to allow indoor recreation in A-3 by special exception SPEX to ensure opportunity for review and it was felt that in some ways an indoor recreational use could be less intrusive than an outdoor recreational use which is already allowed by SPEX in the district. ZORC did not include “recreation establishment, indoor” in the AR districts.

STAFF RECOMMENDATION:

Staff is concerned that adding “recreation establishment, indoor” to the list of special exception uses in the A-3, AR-1 and AR-2 districts is not consistent with the purpose of these districts or the Revised General Plan’s Rural Policy Area.

Land Use Pattern and Design Strategy Policy 6 in Chapter 7 provides for the establishment of private camps and parks in the Rural Policy Area, which provide for outdoor active recreational uses (Revised General Plan, Policy 6, p. 7-8). In addition, Rural Economy Policy 3 states that the County will support the rural economy by facilitating the development of *rural businesses that are compatible in scale, use, and intensity with the rural environment* and preserve large areas of land to be used for agriculture, forestry, and viticulture. The Zoning Ordinance will include innovative types of agricultural uses. New programs and amendments to the Zoning Ordinance will permit flexibility in the sale of farm products and related auxiliary products, provide more alternatives to promote rural tourism; and provide *opportunities for rural conference or retreat centers, private camps and parks, and similar kinds of low intensity, rural land uses* subject to the capacity of rural roads, groundwater, and limited employment generation. Additionally, Policy 14 states

that new non-rural commercial uses that are not compatible with the dominant agricultural land use pattern will be allowed to locate only in the Towns. The County may permit non-agriculturally related commercial uses by special exception in the Rural Policy Area if the use is agriculturally and rurally compatible in scale and intensity, poses no threat to public health, safety and welfare, and if the use helps to preserve farmland and open space and continue agricultural operations.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission recommends broadening the ZORC recommendation to address the needs of a property owner in the AR-1 zoning district east of Hamilton on Business Route 7. The Planning Commission also recommends performance standards.

6. Various sections regarding maximum residential density

Typically, zoning ordinances express density in terms of number of dwelling units per acre. The Zoning Ordinance does not consistently make reference to the density of a residential district. The Planning Commission asked the Board to consider adding this technical revision and the Board did so on April 17, 2007.

ZORC RECOMMENDATION:

None. This proposal came after the ZORC had completed its work.

STAFF RECOMMENDATION:

Staff recommends approval of this technical revision to express density in terms of maximum number of dwelling units per acre in the CR districts.

PLANNING COMMISSION RECOMMENDATION:

Accepted Staff recommendation.

7. Various sections in the CR districts regarding access from lots created by boundary line adjustment to arterial and major collector roads.

ZORC RECOMMENDATION:

ZORC reorganized these sections, retaining a provision that existed to exempt lots affected by boundary line adjustments from complying with the access limitation to major roads. Please see also companion amendment at #41.

STAFF RECOMMENDATION:

Staff is unsure of the original intent of this provision to allow lots that were subject to a boundary line adjustment with continued access to major roads. No individual lot should have access to an arterial or major collector road. Therefore, staff supports the revised text recommended by the Planning Commission.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission recommends transferring all individual development setbacks and access regulations to Section 5-900 for ease of administration.

8. §2-903(NN) Mill, feed and grain

This use is proposed to be within the permitted use list of the Rural Commercial (RC) district, rather than a special exception use.

ZORC RECOMMENDATION:

“The RC or Rural Commercial District. Section 2-900, is a legacy district for properties formerly zoned C-1 in the 1972 Zoning Ordinance, located in and around older towns in Loudoun such as Hamilton, Round Hill, Hillsboro, and Old Ashburn. At the request of the owner of the RC zoned Loudoun Milling property located off of Route 704 east of Hamilton, we looked at certain changes that would give Loudoun Milling the flexibility to continue its rural economy use while adapting to changing conditions. Recommendation: Make mill, feed and grain facility and training facility by right in the RC District, increase the size of permitted single uses from 10,000 to 15,000 square feet. Exempt agricultural uses, mill feed and grain, farm supplies, farm market, and farm machinery sales and service from this 15,000 limit.” (Source: Ibid)

STAFF RECOMMENDATION:

Staff suggests mill, feed and grain remain a special exception use. Moving this use to the permitted use list, taken with the other RC district changes proposed by ZORC may result in the addition of uses that alter the neighborhood scale and change the existing character of these rural commercial districts. The policies of the Revised General Plan for Existing Villages are aimed at limiting new residential and non-residential activities to uses that are compatible with the historic development patterns, community character, and visual identity of the individual villages (Revised General Plan, text, p. 10-1).

PLANNING COMMISSION RECOMMENDATION:

Accepted Staff recommendation.

9. §§2-904(A) & 2-904(B) RC District

These provisions are contained within the special exception use list for the RC district. They require anyone one use over 10,000 square feet or any one use exceeding 50% of the district to apply for a special exception.

ZORC RECOMMENDATION:

See recommendation under #8.

STAFF RECOMMENDATION:

Staff recommends retaining the existing text. The Revised General Plan specifically excludes large scale commercial uses in the Existing Villages (Revised General Plan, Policy 7, p.10-2). The Rural Commercial zoning district is also located within the Village of Arcola as approved with CPAM 2005-0007, Arcola Area/Route 50 CPAM. The Revised General Plan policies call for retail, office, and flex industrial uses located within the Village of Arcola to be 10,000 square feet or less (Arcola Area/Route 50 CPAM, Policies 2 & 1, pp. 9 & 10). The increase of the gross floor area from 10,000 to 15,000 sq. ft. is out of scale with most buildings and residences in the Existing Villages and the Village of Arcola, which are generally less than 5,000 sq. ft. in size. The current zoning ordinance by requiring these permitted uses which plan to exceed the gross floor area if 10,000 sq. ft. by Special Exception allow each application to be reviewed on its own merit within the context of its surrounding.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission recommends increasing the permitted size of a single use to 15,000 square feet. The Planning Commission does not recommend exempting any uses due to potential impacts of the proposed larger buildings.

10. §§2-903, 2-904 & 4-203, Article 8 definitions, Training Facility

These sections are the use lists for the RC and PD-CC (Planned Development-Commercial Center) districts. The proposed amendment would add “training facility” as a permitted use, and provide a definition for “training facility.”

ZORC RECOMMENDATION:

ZORC was addressing a public comment request for professional office use in the RC District. There was a dentist in old Ashburn that wanted to be able to train assistants or perhaps related professionals as a part of his practice. Since the office use is permitted by right, it made sense to allow the training aspect by right. Further, when considering a particular use request, ZORC also examined other

districts to see where else the use might likewise be appropriate and recommended the addition in those districts.

STAFF RECOMMENDATION:

Uses in the RC district shall be compatible with existing village and neighborhood scale and character and allow local, neighborhood related commercial uses to be developed. Neighborhood and Community Centers serve the convenience needs of residential neighborhoods within walking distance and the retail shopping needs of surrounding communities, respectively. Due to the stated purpose and size of the RC, PD-CC(NC) (Neighborhood Center) and PD-CC(CC) (Community Center) districts, staff recommends that “training facility” be permitted when accessory to a principal use in these districts. As a principal use, training facility would be allowed by special exception in these districts in order to evaluate its impact on the existing district.

PLANNING COMMISSION RECOMMENDATION:

Accepted Staff recommendation.

11. §2-910 Development Setback and Access from Major Roads

This provision provides for an additional setback from major roads in the RC district. Please see also companion amendment at matrix #41.

ZORC RECOMMENDATION:

See recommendation under #8 & #41.

STAFF RECOMMENDATION:

Staff notes that the phrase “commercial development” is not clear and recommends “nonresidential development” instead. As “commercial” is undefined in Article 8, the change makes clear what type of development is required to comply with the additional setback.

PLANNING COMMISSION RECOMMENDATION:

Accepted Staff recommendation.

12. §§2-1402, 2-1502, 2-1602 & 2-1702 TR district use tables

These sections are the district use tables for the transitional districts. The proposed amendment moves “school for more than 15 pupils” from the special exception use list to the permitted use list.

ZORC RECOMMENDATION:

As all public facilities are subject to a public hearing process through the commission permit process, and as schools are so desperately needed, the ZORC recommends removing barriers to the timely erection of new schools. ZORC examined all zoning districts in which schools are permitted by right and all districts where schools are permitted by special exception. ZORC did not recommend the LCPS request to make schools by right in all districts. Instead, ZORC only changed the districts that would be consistent with the existing structure of the Ordinance. Schools are permitted in the CR and R Districts but are by special exception in the AR, JLMA, and most PD (except for PD-H) Districts. The TR Districts are most similar to the CR and R Districts and therefore ZORC recommended schools by right in these districts similar to the existing regulations.

STAFF RECOMMENDATION:

Staff suggests “school for more than 15 pupils” remain a special exception use. In areas where the school use may not be consistent with the prevailing and/or planned land use, schools should be evaluated through the special exception process. Public schools require special exception approval in the AR-districts and in PD-OP, PD-RDP, PD-IP and PD-GI districts.

PLANNING COMMISSION RECOMMENDATION:

Accepted Staff recommendation.

13. §3-108(A) & 3-109(A) Lot Coverage in R-1

The proposed amendment increases lot coverage, or the amount of building footprint that can cover a lot.

ZORC RECOMMENDATION:

“With respect to the lot coverage ratio, the ZORC concluded that a modest increase in lot coverage ratio to a uniform 25% in the R districts would accommodate somewhat denser [sic] suburban development while solving a technical lot coverage problem created by the County initiated rezoning of an adult housing project in Sterling from CR-1 to R-1 zoning.” (Source: Ibid) “Denser suburban development” does not translate to additional units. For some of the more institutional type uses that are allowed in the R Districts, such as continuing care facilities, child care, churches and the like, the lot coverage needs to be greater than that of a single family lot.

STAFF RECOMMENDATION:

The ZORC revisions make the lot coverage maximum the same for all three development options in the R-1. Staff finds that this change reduces the incentive for clustering in R-1. Lot coverage should be higher for lots that have clustered. Staff believes this was an unintended consequence and that the Planning Commission text is appropriate.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission recommends increasing the lot coverage ratio to 30% for the two clustering options to offer an incentive to cluster.

14. §3-1003(NN) Permitted use list for MR-HI

This amendment adds “storage of empty solid waste vehicles and containers” as a permitted use.

ZORC RECOMMENDATION:

“The ZORC received information from staff regarding the need to update the zoning ordinance to make certain provisions consistent with state law and Codified Ordinance provisions relative to solid waste management. We reviewed these matters with Mr. Weber’s office and made a number of recommendations throughout the Ordinance.” (Source: Ibid)

STAFF RECOMMENDATION:

Staff supports the addition of this use to MR-HI, however, noted for the Planning Commission that it would be appropriate to also have companion definitions in Article 8.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission accepted the ZORC recommendation to add certain uses to the MR-HI use list. The Planning Commission also accepted the Staff recommendation to add definitions to Article 8.

15. §4-104(D)(1) Impervious Surface

This section regulates the amount of impervious surface permitted in the PD-H district and when developed as retail, commercial or industrial.

ZORC RECOMMENDATION:

ZORC felt that increasing the amount of impervious surface for non-residential uses in PD-H would be consistent with the various commercial district requirements of landscaped open space. PD-CC, for example, requires 20% landscaped open space. Presumably, the remaining 80% may be developed with impervious surfaces. As such, ZORC recommends that the impervious surface allowance be increased from 70% to 80%. Because the PD-H District relies in part on the PD-CC District for administration, there should be a consistency between the Districts. This difference in the impervious surface requirement has led to confusion and concept development plan implementation problems in the past.

STAFF RECOMMENDATION:

Staff recommends retaining the existing text. This change is inconsistent with the Revised General Plan, which states that the County will prepare and implement design standards and principles to preserve open space and natural resources, *minimize the creation of new impervious areas*, and to minimize increases in post-development runoff peak rate, frequency and volume (Revised General Plan, Policy 16, p. 5-18).

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission recommends deleting this section in its entirety since required yards and buffer yards will provide impervious surface.

16. §4-206(D) Vehicular access in PD-CC

This section prohibits primary commercial access and through traffic from impacting residential neighborhoods.

ZORC RECOMMENDATION:

This requirement is also an issue when attempting to implement a mixed use development in the PD-H District that is administered under the PD-CC requirements. It is very difficult to have mixed use if you cannot mix the traffic.

STAFF RECOMMENDATION:

Rather than eliminating this language, staff suggested revising the language to ensure the continued protection of residential neighborhoods from commercial cut-through traffic. Staff supports the revised language recommended by the Planning Commission

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission recommends clarifying this section by exempting collector roads through residential neighborhoods from this prohibition.

17. §4-302(A) Size and location of PD-OP

In order to implement the policies of the comprehensive plan, each zoning district has a regulation with regard to the size and location of the district.

ZORC RECOMMENDATION:

It is ZORC's opinion that as it is known where the PD-OP districts are, and that as it is unlikely that future rezonings will occur to this district, it is no longer necessary to limit the location of this district to primary highways. Further, ZORC has tried to make the PD-IP, PD-OP, PD-RDP, PD-GI, and MR-HI as alike as possible. (see: February 10, 2006 transmittal letter to Scott York from ZORC, p. 6).

STAFF RECOMMENDATION:

Staff suggests the location requirement for new PD-OP districts be simplified from "on primary state highways, however, direct access onto arterial roads shall be limited to those consistent with adopted Corridor Plans" to "on arterial or collector roads." Per the Countywide Transportation Plan, roadways classified as major and minor collectors are not necessarily primary state highways. Staff concurs with eliminating the phrase "primary state highways," but would suggest that PD-OP districts be located on some arterial or collector road. If a property were rezoning to the PD-OP district and could not meet this requirement, a modification could be requested.

PLANNING COMMISSION RECOMMENDATION:

The Planning recommends retaining this Section but also recommends adding collector roads to the lot access requirements in addition to arterial roads to add access options in PD-OP.

18. Various sections related to commercial districts "Yards, Adjacent to Roads"

In the PD-OP, PD-RDP, PD-IP, PD-GI, PD-SA and PD-TC districts, there is a provision requiring parking to be screened from view if it is located between a building and a road.

ZORC RECOMMENDATION:

It is ZORC's opinion that as a practical matter it is impossible to make parking lots **invisible** from roadways. (The standard is that parking is only allowed when it is NOT VISIBLE) ZORC strongly believes that parking can be adequately screened and incorporated changes into the landscaping regulations that will provide a good and practical approach to the landscaping and buffering of parking lots. This should not be characterized as a "removal of the screening requirement" as that is not the ZORC intent.

STAFF RECOMMENDATION:

Staff recommends retained the existing text. In relation to Light Industrial and Regional Office development, Chapter 11, Implementation, of the Revised General Plan calls for front yards to be minimized and the buildings to be moved closer to the street to create a better sense of visual enclosure for motorists and pedestrians except in Keynote Employment areas. *Parking should not be located at the front of buildings.* Parking can be moved to the center of the block and shared by other uses. An alley would provide the principal egress from the parking area thereby minimizing the number of curb cuts along the street. Short-term and visitor parking can be accommodated along the side or on the street. Similarly, parking structures should be located in the middle of the block, screened from the street by office or industrial buildings.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission accepted the ZORC recommendation but changed yard to setback throughout the paragraph. This Section refers to Section 5-900 for other setbacks for the ease of administration.

19. §§4-306(C) & 4-406(C)(1) Floor Area Ratio in PD-OP & PD-RDP

These sections currently provide for a 0.40 FAR.

ZORC RECOMMENDATION:

ZORC recommends increasing FAR from 0.4 to 0.6 by-right and up to 1.0 FAR by special exception. "The ZORC is making a number of substantive recommendations to the commercial districts... . Some of these, in fairness, can be characterized as going beyond 'technical corrections,' so some explanation is in order... . During this review, the ZORC discussed the critical issues of density (expressed as floor area ratio), height, and percentage of lot occupancy and related lot coverage criteria. The 1972 and 1993 zoning ordinances basically envisioned eastern Loudoun County as characterized by low rise, one and two story office development, with surface parking. The ZORC respectfully suggest that this may not be the model we are seeking for the next 20 years, that it is time to look at

higher densities and more height for commercial development in eastern Loudoun County.” (Source: Ibid.)

STAFF RECOMMENDATION:

Staff supports the revised text proposed by the Planning Commission to increase FAR from 0.4 to 0.6 by-right and up to 2.0 FAR by special exception.

Staff supports the recommendation to increase the maximum FAR because it will allow greater design flexibility and promote higher intensity, compact nodes of office development. Office and light-industrial uses requiring markets outside the immediate neighborhood should locate in compact nodes at intersections of major collector and arterial roads in locations designated on the Land Use map (Revised General Plan, Policy 3, p. 6-20). Light industrial and regional office uses are encouraged in compact, high-intensity nodes on the arterial corridors of the County in areas designated Business Community on the Land Use Map (Revised General Plan, Policy 2, p. 6-29). All Business land use developments will be located in planned development zoning districts that allows flexibility in site design (Revised General Plan, Policy 4, p. 6-20).

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission recommends increasing FAR up to 2.0 by special exception to provide an incentive to attract high quality office development.

20. §4-307(E) Site Planning in PD-OP

This provision details how an OP district should look, including a park like character.

ZORC RECOMMENDATION:

ZORC recommends deleting this section. ZORC finds this section difficult to administer and subjective in its administration. Consequently, the section should be deleted.

STAFF RECOMMENDATION:

Staff recommends retaining the existing language. The current language on site planning that calls for the efficient grouping of structures, smooth and convenient traffic flow, and a park-like character by organizing the development in such a way as to maximize the visual effects of landscaping and green spaces would be less likely adhered to if eliminated. The current language supports the Revised General Plan policies that promote compact development that has minimal impact on the natural environment or surrounding land uses through innovative site design. In

addition, Staff feels it is important to keep this language given the proposed increase to FAR discussed in #19.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission recommends retaining landscaping, buffering and screening to protect certain adjacent land uses.

21. §4-307(F) Development Setback and Access from Major Roads

Please see #16. The explanations are similar.

22. §§4-501, 4-503(G) & 4-504(A) Purpose and Use lists for PD-IP

These sections identify the purpose of the PD-IP district, and provide the permitted and special exception use list.

ZORC RECOMMENDATION:

ZORC recommends making office a permitted (by-right) use in the PD-IP district. “The PD-IP District was for many years the most ubiquitous commercially zoned land, but years of development, conversion to residential or active adult uses, and conversion to quasi-retail type uses, have significantly reduced the amount of available PD-IP land. PD-IP was originally a purely industrial/manufacturing use district, except if a special exception was obtained for office uses. A special exception process was also developed for “flex-industrial” uses, which basically allowed up to 49% office under certain conditions. The flex industrial use was made by right in the 1993 revisions to the Zoning Ordinance. The ZORC now recommends that office uses be allowed by right in the PD-IP zoning district.” (Source, Ibid, p. 8)

“We are deliberately working to make these commercial districts more alike in allowed uses and densities. It is easier to make these changes than to try and remap all these areas, and since these zoning changes generally remove impediments to development and increase density, we do not expect landowners to object.” (Source, Ibid, p.7)

STAFF RECOMMENDATION:

Staff recommends that office remain a special exception use, but that the criteria for its development under Section 4-504(A)(1) and (2) be deleted.

Revised General Plan policies for light-industrial, while encouraging a mix of uses (see table below), still reflect a preference for predominantly light-industrial and warehouse land use activities in the overall mix. The intent of the PD-IP zoning district is to support planned districts established for light and medium industrial

uses, along with necessary supporting accessory uses and facilities. Relocating office, administrative, business and professional land uses from uses allowed by Special Exception decreases the ability of the Board of Supervisors to evaluate impacts and design features that ensure the appropriate land use mix is followed, and that incompatible land uses are not created in such a way that impacts the health, safety and welfare of the community. In addition, if office uses become a permitted use in the PD-IP district, all approved special exception conditions for office uses in PD-IP no longer apply.

5. The land use mix (measured as a percentage of the land area) in Light-Industrial communities generally will comply with the following ratios:

Land Use Category*	Minimum Required	Maximum Permitted
a. High Density Residential (outside noise impact area)	0%	25%
b. Commercial Retail & Services*	0%	10%
c. Regional Office	0%	40%
d. Overall Business Uses (b & c combined)	0%	40%
e. Light Industrial/Flex	45%	85%
f. Public & Civic	5%	No Maximum
g. Public Parks & Open Space	10%	No Maximum

* Retail Policy guidance provided in *Countywide Retail Plan*

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission accepted the ZORC recommendation subject to the office site planning criteria requiring landscaping, buffering and screening adjacent to certain uses to mitigate impacts.

23. §4-502 Size and location of PD-IP.

In order to implement the policies of the comprehensive plan, each zoning district has a regulation with regard to the size and location of the district.

Please see #17. The explanations are the same.

24. §4-503(E) & 4-504(R) Permitted and special exception uses in PD-IP

Churches are a permitted use; however, private schools, child and adult day care are special exception uses currently.

ZORC RECOMMENDATION:

“Clarify that the by right church, synagogue and temple use includes mosque, and clarify that private school, child and adult day care, and associated uses are

considered part of the church use. The requirement for a special exception in 4-504(FF) for a school, private, accessory to a church has been removed.” (Source: Ibid: p. 8). ZORC heard from a large non-denominational church located on Route 7 with regard to its difficulties in establishing a camp, a school, and the like and ZORC made modifications to the use list that would benefit all places of worship.

STAFF RECOMMENDATION:

Staff recommends a comprehensive evaluation of the permitted and special exception use lists in the PD-IP district. Staff is concerned that the allowing day camp, child care center, recreation establishment (outdoor or indoor) and school (public and private) as by-right uses are not consistent with the Revised General Plan’s keynote and economic development policies. Further, the cumulative impact of allowing these uses may undermine the County’s ability to market PD-IP properties to industrial users, which does not coincide with ZORC’s original objectives to make the Zoning Ordinance more business friendly and augment economic development.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission recommends moving day camp, child care center, recreation establishment (outdoor and indoor) and school (public and private) to the permitted use list in PD-IP.

25. §§4-503(OO) & 4-504(S) Permitted and Special Exception Uses in PD-IP

The ordinance allows “contractor service establishment, excluding retail sales and outdoor storage” as a special exception use. The proposed amendment would make this use a permitted use.

ZORC RECOMMENDATION:

ZORC did not recommend this change.

STAFF RECOMMENDATION:

Staff supports this change to allow contractor service establishments without retail sales and outdoor storage as a permitted use in PD-IP, as the elements not wholly consistent with the PD-IP district (i.e. retail/outdoor storage) are not permitted in conjunction with the use.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission recommends the associated uses be moved to the permitted use list to address the concerns presented by staff.

26. §4-507(E)(1) Use limitation in PD-IP

This section limits retail uses as accessory to a warehouse, limits the space devoted to retail to 20%, and requires that the warehousing facility stores goods for at least one retail establishment located in a retail zoning district.

ZORC RECOMMENDATION:

Delete the requirement that the warehousing facility storing goods for at least one retail establishment located in a retail zoning district. This provision does not limit the retail establishment to a location within Loudoun County. Consequently, a retailer could come in with a store in another state. ZORC felt this was unfair.

STAFF RECOMMENDATION:

Staff recommends the existing text be retained. Expanded retail uses associated with warehousing facilities are not supported by the Revised General Plan. The PD-IP district already provides for supportive and complementary uses of a retail nature which serve the users of the industrial park (Section 4-503(M)). Also see #22.

PLANNING COMMISSION RECOMMENDATION:

Accepted Staff recommendation.

27. §§4-507(G)(2) & 4-607(F)(2) Access in PD-IP and PD-GI

Please see #16. The explanations are similar.

28. §§4-707(D) & 4-808(Q) Access in PD-SA & PD-TRC

Please see #16. The explanations are similar.

29. §§4-1019(C) & 4-1121(D) Road Design PD-TREC & PD-TRC

This section requires that private streets in the transit oriented districts be built to public road standards.

ZORC RECOMMENDATION:

Although the February 6, 2006 letter from ZORC to the Chairman indicates that no changes were recommended to the TREC and TRC districts, other than changes made for consistency, ZORC did recommend that private streets not be held to a public road standard. The FSM, although waivable by the Director of Building and Development, has adequate road construction standards. Additionally, a VDOT

road standard may not be desirable in these districts (road is too wide for a compact urban design).

STAFF RECOMMENDATION:

Staff recommends retaining the existing text. This standard can be modified and requests to eliminate this standard should be evaluated on a case-by-case basis.

PLANNING COMMISSION RECOMMENDATION:

Accepted ZORC recommendation.

30. §4-1111(C) Off-street parking facility, freestanding PD-TRC

This section requires a parking structure to be enclosed on the first floor if it is not adequately shielded from the street.

ZORC RECOMMENDATION:

ZORC did not recommend an amendment to this section.

STAFF RECOMMENDATION:

Review of this section was requested at the February 12, 2007 public input session. Staff recommends retaining the existing text and finds that parking structures should be effectively shielded from streets in the PD-TRC district. An applicant can seek a modification to this section if they do not want to enclose the first floor of the parking structure.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission recommends this section be deleted.

31. §4-1209(A)(16) Permitted Uses in PD-RV

This section requires public water and wastewater facilities to be shown on an approved concept development plan.

ZORC RECOMMENDATION:

Delete this provision. ZORC believes that this level of detail is too great at the time of rezoning. Provision of water and wastewater undergo rigorous review at State and local levels during the permitting process and can take years to complete. Should the permit process identify an alternative location than shown on the

concept plan, the developer is forced to undergo a costly zoning concept plan amendment process.

STAFF RECOMMENDATION:

Staff recommends retaining the existing text and finds that public water and wastewater facilities for Rural Villages should be reviewed at the time of rezoning.

PLANNING COMMISSION RECOMMENDATION:

Accepted ZORC recommendation.

32. §4-1502(A) Floodplain alterations

This section details what constitutes a floodplain alteration.

ZORC RECOMMENDATION:

ZORC recommends deleting the word “clearing” as an alteration and add “building, and dredging” as alterations. ZORC does not believe that clearing trees alters a floodplain.

STAFF RECOMMENDATION:

Staff feels that the existing text is sound. However, should the BOS be inclined to amend this section, staff concurs with the PC recommendation, which simplifies the text to indicate that alterations include all “land disturbing activities”—a defined term in Article 8.

Land-Disturbing Activity: Any grading, scraping, excavating, trenching, filling of land, dumping of fill materials (including but not limited to dumping of soil, concrete, and construction debris), bulk outdoor storage, clearing of trees or vegetation and any construction in preparation for development, reconstruction, or significant alteration of a structure.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission recommends that the explanation of what constitutes land disturbing activity be removed from this section since it is already defined elsewhere in the Ordinance in Article 8.

33. §4-1511 Density calculations in floodplain

This section states that major floodplain shall not be used to determine density.

ZORC RECOMMENDATION:

“For the reasons outlined by the ZORC to the Board of Supervisors during consideration of the AR1 and AR-2 District regulations, the ZORC recommends allowing density credit for major flood plain.” (Source: Ibid, p. 10)

STAFF RECOMMENDATION:

Staff recommends retaining the existing text. Providing density credit for major floodplain and continuing to allow for limited uses in the major floodplain (per Section 4-1505) runs counter to the river and stream corridor policies of the Revised General Plan. The Plan identifies and proposes standards for protection of River and Stream Corridor areas. Chapter 5, River and Stream Corridor Resources Policies, Policy 2 states:

The County will protect rivers and streams and their corridors through the creation of a River and Stream Corridor Overlay District (RSCOD), which will include:

- a. Rivers and streams draining 100 acres or more.
- b. 100-year floodplains (including major and minor).
- c. Adjacent steep slopes (slope 25 percent or greater, starting within 50 feet of streams and floodplains, extending no farther than 100 feet beyond the originating stream or floodplain).
- d. 50-foot Management Buffer surrounding the floodplains and adjacent steep slopes.
- e. Wetlands, forests, historic and cultural resources, and archaeological sites that fall within the area of one or more of the above elements.

Since the RSCOD provisions were deleted from the Zoning Ordinance, it is not consistent with the Revised General Plan to provide density credit for major floodplain.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission recommends making a distinction between residential and non-residential uses with respect to the use of floodplain in density calculations. The Planning Commission recommends that non-residential uses be allowed to use any portion of land area in the major floodplain, up to a maximum of 25% of the parcel's total land area, to count toward density to provide incentives for compact development.

34. **§4-2104(A)(1) Average Front Yard in the Village Conservation Overlay District (VCOD)**

This section requires new construction to be a distance equal to the average front yard already established within 150 feet.

ZORC RECOMMENDATION:

ZORC recommends amending the language to be consistent with existing front yards. The VCOD “imposed as an overlay district in and around traditional villages, contains standards that have proved to be unworkable. Specifically the ‘average front yard’ and ‘building height’ provisions, by tying the yard and height of a proposed building to buildings within 150 feet on each side of the parcel being developed, imposes on a landowner a whimsical, accidental limitation on where he can place the house and how high it can be, tied to what happens to have been built nearby. For example, one could have a two story house across the street but because there is a one story house on the developing side of the street, there would be a limitation to one story. Also, sidewalks are required to be placed on one side of the street, and yet many of the traditional villages lack sidewalks or don’t have any sidewalks in areas that tie in to areas where new improvements are being made. Recommendation: Revise Section 4-2104 to eliminate these regulatory problems.” (Source: Ibid, p. 10)

STAFF RECOMMENDATION:

Staff supports the Planning Commission recommendation to amend the average front yard requirements within the VCOD. Additionally, staff feels that the clarification that the average front yard is based upon principal buildings within 150 feet addresses some of the ZORC’s concerns.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission accepts ZORC’s language as amended to simplify the administration of this Section by counting average front yard and building height of principal buildings only and by making sidewalks optional since sidewalks may not be a feature already in the VCOD.

35. §4-2104(A)(2) Building Height in Village Overlay District.

This section requires building height to be no taller than a building within 150 feet.

ZORC RECOMMENDATION:

Please see #34.

STAFF RECOMMENDATION:

Please see #34.

PLANNING COMMISSION RECOMMENDATION:

Please see #34.

36. §4-2104(B)(3)(a) Sidewalks in Village Overlay District

Sidewalks are required in the VCOD district per this section.

ZORC RECOMMENDATION:

Please see #34.

STAFF RECOMMENDATION:

Staff finds that sidewalks should be provided in the VCOD, subject to the established criteria. Rather than eliminating the requirements, staff suggests the addition of a subsection with the following language: "The Zoning Administrator may waive or reduce the requirements of this subsection in cases where i) the sidewalk terminates at an arterial highway; or ii) existing topographic conditions make construction of a sidewalk impractical; or iii) the parcels being created are greater than one acre in size." This would allow for sidewalk requirements to be waived or reduced based on the specific conditions at a site.

PLANNING COMMISSION RECOMMENDATION:

Please see #34.

37. §5-400(C) Home Occupations

These provisions provide standards by which a business may operate from a home.

ZORC RECOMMENDATION:

Amend this section to increase the area devoted to the home occupation use from 25% of the gross floor area of an accessory structure to 49%. [Please note that the Board of Supervisors did not authorize an amendment that would revise the area devoted to storage of retail merchandise within an accessory structure as suggested by the Planning Commission in April 2007.]

STAFF RECOMMENDATION:

Staff recommends revising this section to simply state that the home occupation must be clearly incidental and subordinate to the use of the dwelling for residential purposes. Staff suggests the square footage percentage be eliminated, as it is difficult to enforce.

PLANNING COMMISSION RECOMMENDATION:

Accepted Staff recommendation.

38. §5-500 Temporary Uses/Zoning Permits

Temporary Uses such as construction trailers, model homes, temporary sales and the like are addressed in this section.

ZORC RECOMMENDATION:

ZORC's recommendations were addressed with the rural remapping. The proposed amendment currently brought forward was not addressed by ZORC.

STAFF RECOMMENDATION:

Staff recommends adoption of this technical revision to clarify that Section 5-500, Temporary Uses/Zoning Permits applies to all zoning districts.

PLANNING COMMISSION RECOMMENDATION:

Accepted Staff recommendation.

39. §§5-626, 5-627 & 5-630 Performance standards for agriculturally related uses

These sections all require setbacks for certain agricultural structures, however, none of them are the same dimension.

ZORC RECOMMENDATION:

This change was not addressed by ZORC and the proposed amendment is the result of a subsequent intent to amend on 4/17/07.

STAFF RECOMMENDATION:

Staff recommends these technical revisions be adopted. Section 5-626 provides performance standards for Agriculture, Horticulture and Animal Husbandry. Section 5-627 provides performance standards for Agriculture Support Uses (Direct Association with Agriculture, Horticulture or Animal Husbandry) and Section 5-630 provides performance standards for Agriculture Support Use (No Direct Association with Agriculture, Horticulture, Animal Husbandry). The amendments resolve discrepancies for minimum lot sizes and setbacks.

PLANNING COMMISSION RECOMMENDATION:

Accepted Staff recommendation.

40. §5-633(B) Airport Landing Strip performance standards.

This section requires a minimum lot size and minimum setbacks.

ZORC RECOMMENDATION:

This change was not addressed by ZORC and the proposed amendment is the result of a subsequent intent to amend on 4/17/07.

STAFF RECOMMENDATION:

Staff supports the Planning Commission recommendation to increase the minimum lot area for an airport/landing strip from 25 acres to 80 acres.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission recommends that the minimum lot area for an airport/landing strip be increased to 80 acres in order to accommodate the required separation from adjacent properties.

41. §5-900 Setbacks from Specific Roads and the W&OD Trail

In addition to “setbacks from major roads” as required by the various zoning districts, Section 5-900 imposes greater setbacks, in many instances along Routes 7, 267, 50, 15, 28, 9, 287, 606 and other arterial and major collector roads.

ZORC RECOMMENDATION:

“The ZORC made a comprehensive reexamination of setbacks, front, side and rear yard requirements, and access from major roads in the commercial and suburban districts. In the current zoning ordinance each district has its yard requirements, and in addition has provisions for setbacks from so called major collector or arterial roads, as well as limitations on access to individual lots from such roads. In addition, Section 5-900 contained additional setbacks and limitations from certain major roads such as Route 7, Route 28, Route 50 and the like. The combination of all of these seemed confusing and at times inconsistent.” Therefore, ZORC recommends revising “each district so that the setbacks from major roads are all contained in Section 5-900. See Section 3-111 of the R-1 District regulations, for example. Section 5-900 now contains a comprehensive set of setback standards...” (Source: Ibid, p. 4)

“This Section merits close study, because ZORC is recommending several types of changes. First, we recommend adding specific building and parking setbacks, to resolve administrative questions that have arisen over the years as to whether the setbacks specified in this section apply to buildings or also to parking. Second, we have recommended some reductions in the setbacks... . Third, this section now

contains provisions for lot access from major roads and for setbacks from interchange ramps, discussed above.” (Source, Ibid, p. 12)

STAFF RECOMMENDATION:

Staff supports the ZORC’s intent to relocate all setback requirements from major roads into Section 5-900. However, staff supports the Planning Commission recommendation to retain the existing provisions for Route 7 and to add a section which permits modifications of Section 5-900 setbacks to maintain consistent streetscapes.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission recommends the ZORC recommendations as amended to simplify administration of the Ordinance by locating all setback and access standards in one Section.

42. §5-1102(B)(11) & (12) Parking and Load Spaces Required

These sections detail the parking requirements for various categories of uses.

ZORC RECOMMENDATION:

ZORC recommended some minor, technical changes of what category individual uses belong within. In this instance, ZORC recommended moving funeral homes from the “civic/social fraternal” category to the “cultural, recreational and entertainment” category.

STAFF RECOMMENDATION:

Staff concurs with the Planning Commission recommendation to reorganize this section by moving “Places of Worship” from Section 5-1102(B)(12)(a) to new Section 5-1102(B)(11)(c). Therefore, no text would appear after Section 5-1102(B)(12), Miscellaneous Uses. Table 5-1101 has also been revised, consistent with this recommendation.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission recommends reorganizing this section so that similar uses have the same parking standards.

43. §5-1102(F)(1) Adjustments to Parking Requirements

This section allows reductions in the number of required parking spaces based upon certain criteria, as may be approved by the Board of Supervisors as part of a special exception application.

ZORC RECOMMENDATION:

ZORC thought the special exception requirement burdensome and recommends that the reduction in parking be administrative upon approval by the Director of Building and Development and with the concurrence of the Zoning Administrator.

STAFF RECOMMENDATION:

Staff does not support the ZORC recommendation. The Director of Building and Development does not have a definition in Article 8 (the Director of Planning does.) This language also conflicts with the RC district regulations which give authority to the Zoning Administrator to reduce, waive or modify parking requirements. Further, the *Code of Virginia* invests administration and enforcement authority only with the Zoning Administrator. Therefore, staff did not think it appropriate to grant this authority to the Director of Building and Development.

Additionally, staff recommends re-wording this section to clarify that a special exception may be applied for if the parking reduction does not fall into one of the specific instances set forth in paragraphs 2 through 5 with appropriate reference to paragraph 6.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission recommends that since the Zoning Administrator administers the Zoning Ordinance, then administrative approval should be granted by the Zoning Administrator.

44. §5-1102(F)(1)(c) Adjustments to Parking Requirements

This section requires a covenant which promises that if the Zoning Administrator determines that additional parking is required, said parking will be provided.

ZORC RECOMMENDATION:

ZORC thought it unreasonable that the Zoning Administrator could determine that additional parking is needed at any time, without a time limitation. This requirement is not predictable or quantifiable. Therefore, ZORC recommends a limitation of five years.

STAFF RECOMMENDATION:

Staff feels that five years is a relatively short period of time and that such a requirement would not be very effective. If a time period is necessary, staff recommends 20 years.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission did not believe five years was sufficient and recommends 20 years.

45. §5-1403(A)(2) Buffering and Screening standards

This section addresses the size of trees to be planted to meet tree canopy standards.

ZORC RECOMMENDATION:

ZORC recommends that the minimum caliper of a tree be calculated at breast height. This is the industry standard in measuring caliper.

STAFF RECOMMENDATION:

Staff recommends a technical revision to clarify that diameter at breast height is measured at 4 and ½ feet above ground level.

PLANNING COMMISSION RECOMMENDATION:

Accepted Staff recommendation.

46. §5-1403(D) Buffering and Screening standards

This section deals with conflicts between sight distance requirements and planting requirements.

ZORC RECOMMENDATION:

ZORC recommends amending this section to be clear that if required plantings fall within a sight distance easement, then these plantings do not have to be installed nor do they have to be provided elsewhere on-site.

STAFF RECOMMENDATION:

Staff recommends that any plantings removed as a result of sight distance easements be planted elsewhere on site so as not to reduce the overall landscaping to be planted.

PLANNING COMMISSION RECOMMENDATION:

Accepted Staff recommendation.

47. §5-1403(E) Buffering and Screening standards

ZORC proposes a new paragraph. Please note that the ZORC proposal conflicts with the subsequently adopted Route 50 landscaping amendments. Consequently the advertised draft reconciles the ZORC proposal to the previously adopted amendment.

ZORC RECOMMENDATION:

“At the request of Staff and based on extensive public input, ZORC conducted a detailed review of the transitional buffering and screening regulations of 5-1400.”
(Source: Ibid., p.12)

STAFF RECOMMENDATION:

Staff concurs with the revised language recommended by the Planning Commission to require a Type 3 front yard buffer along the frontage of any existing or planned four-lane divided roadway except where a Type 5 buffer is required.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission recommends exempting properties that are subject to the recently adopted Route 50 landscaping amendments since the ZORC proposal would conflict with these amendments.

48. §5-1404(C) Landscaping plan

This section requires bonding of the landscaping plan.

ZORC RECOMMENDATION:

ZORC recommends minor edits. Please see #47.

STAFF RECOMMENDATION:

Staff concurs with the revised text recommended by ZORC and further amended by the Planning Commission. Staff recommends these technical revisions be adopted.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission recommendation clarifies this section.

49. §5-1406(E)(2) Special Situations

This section deals with unusual situations such as property located adjacent to an arterial or major collector, vacant property, property adjacent to another jurisdiction and the like.

ZORC RECOMMENDATION:

Please see #47. ZORC recommends deleting the required Type 3 front yard buffer adjacent to an existing or planned arterial.

STAFF RECOMMENDATION:

Staff recommends retaining the requirement for a Type 3 front yard buffer adjacent to an existing or planned arterial road. Staff concurs with the Planning Commission recommendation to exempt parcels located in the Village Conservation Overlay District (VCOD).

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission recommends keeping the existing text and adding an exemption for parcels located in the VCOD since these areas each have their own unique identities.

50. §5-1413(C)(1)(a) Peripheral Parking Lot Landscaping

This section requires landscaping at the periphery of a parking lot and at lot lines. The effect of this provision is to eliminate interparcel access.

ZORC RECOMMENDATION:

Please see #47.

STAFF RECOMMENDATION:

Staff concurs with the revised text recommended by ZORC and further amended by the Planning Commission. Staff recommends that any plantings removed as a result of a common access drive or parking lot circulation travelway be planted elsewhere on site so as not to reduce the overall landscaping to be planted.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission accepts the ZORC recommendation as amended. The Planning Commission recommends that equivalent plant materials be provided elsewhere on the property to maintain the overall required landscaping.

51. Table 5-1414(B)

This table provides what type of buffer must be provided between two uses.

ZORC RECOMMENDATION:

Please see #47. "Recommendation of a revised matrix of uses which is designed to reduce the amount of landscaping between like uses." (Source: Ibid, p. 12).

STAFF RECOMMENDATION:

Staff recommends that the existing text be retained so as not to lose any required landscaping and to continue to distinguish between side and rear buffer yards. Should the Board be inclined to amend this section, staff recommends the ZORC table with added requirements for minimum and maximum buffer widths as recommended by the Planning Commission.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission recommends the addition of minimum and maximum buffer widths to clarify the location of the required plant materials.

52. § 5-1504(A) Light and Glare Standards

This section provides a limitation on the amount of light and glare permitted at a property line.

ZORC RECOMMENDATION:

In order to accommodate safety considerations and baseball league standards at Broad Run High School, ZORC recommends exempting school athletic fields from lighting and glare standards.

STAFF RECOMMENDATION:

Staff concurs with the Planning Commission recommendation to add specific standards for lighting at publicly owned facilities used for athletic competition. Loudoun County Public Schools has reviewed the proposed text and is satisfied with this language.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission recommends performance standards to enhance the ZORC recommendation and to protect adjacent properties from light trespass.

53. §5-1508(B)(2) Steep Slope Exemptions

This section allows residential lots to be developed residentially regardless of the use limitations.

ZORC RECOMMENDATION:

ZORC believes that the original intent of the steep slope regulations is that no lot created before June 16, 1993 is required to comply with any regulation contained within the steep slope performance standards. Therefore, ZORC recommends making this intent explicit.

STAFF RECOMMENDATION:

Staff recommends revised text exempting the lot from Section 5-1508(D) only, which would allow the residential use, subject to the rest of the development standards. While it is necessary to allow a lot that was created prior to the existing standards to be developed, standards for that development or construction are imperative. While it is generally possible to develop on steep slopes, many considerations in location and design must be implemented to ensure safety and the protection of off-site properties and the County's natural resources. The standards in Sections 5-1508(E) and (F) are intended to provide these necessary considerations when there is no alternative but to locate a single residential use, or any part of, on steep slopes.

PLANNING COMMISSION RECOMMENDATION:

Accepted Staff recommendation.

54. § 5-1508(D)(1)(c) Permitted Uses in Very Steep Slopes

This section lists the uses permitted in grades greater than 25%. This section was the subject of subsequent intents to amend (April 2007) that ZORC did not see or make recommendations upon.

ZORC RECOMMENDATION:

"The ZORC considered and implemented certain revisions...that are expressly intended to remove obstacles to the repair and expansion by the Town of Purcellville of its municipal water supply system". (Source: Ibid, p. 10).

STAFF RECOMMENDATION:

Staff recommends that sanitary sewer and water lines be permitted in very steep slope areas, subject to development standards. Staff worked closely with the

Loudoun County Sanitation Authority (LCSA) to develop these standards. LCSA supports this text amendment.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission recommends LCSA sanitary sewer lines and water lines be allowed in very steep slope areas under certain conditions.

55. §6-206(H) Powers and Duties of the Board of Zoning Appeals.

This is a new provision responsive to a resolution of intent to amend to create a special exception process for property owners who inadvertently violate very steep slope standards. Currently, there are a number of households within River Creek who have violated very steep slope standards.

ZORC RECOMMENDATION:

The intent to amend was adopted after the ZORC completed its work.

STAFF RECOMMENDATION:

Staff supports the addition of this section to the Ordinance to address errors in very steep slope areas.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission recommends a remedy to homeowners where currently there is none.

56. §6-403(A) Submission Requirements

This amendment is a new provision responsive to a resolution of intent to amend to require disclosure of real parties of interest.

ZORC RECOMMENDATION:

The intent to amend was adopted after the ZORC completed its work.

STAFF RECOMMENDATION:

Staff supports the proposed text, as it is wholly consistent with the *Code of Virginia*.

PLANNING COMMISSION RECOMMENDATION:

Accepted Staff recommendation.

57. §6-701(C) Site Plan Required

This section details when a site plan is required. ZORC's proposed amendment conflicts with amendments made during the western Loudoun remapping. Staff has attempted to reconcile the recently adopted language with the ZORC recommendation.

ZORC RECOMMENDATION:

Exempt agricultural support and services related to agriculture from site plan requirements when such uses do not involve access by the public. The site plan requirement seems to be onerous, in ZORC's opinion, when the property is not accessed by the public.

STAFF RECOMMENDATION:

Staff concurs with the ZORC revision. However, ZOAM 2005-0002 subsequently amended this section to note that site plans are not required when a rural sketch plan is required. Therefore, staff has inserted ZORC's language into the newly adopted language and reconciled discrepancies.

PLANNING COMMISSION RECOMMENDATION:

Accepted Staff recommendation.

58. §6-1613, Special Exception for Errors in Very Steep Slope Areas.

Please see #55.

59. Article 8, Definition of church.

ZORC RECOMMENDATION:

Please see #24.

STAFF RECOMMENDATION:

Staff recommends the existing definition be retained. Staff does not support replacing the word "accessory" with "associated" for other permitted uses related to a place of worship. Under this definition, the "associated uses" could occur prior to or without the place of worship.

PLANNING COMMISSION RECOMMENDATION:

Accepted Staff recommendation.

60. Article 8, Definition of Farm Market

This change is proposed to make the definition of Farm Market consistent with the performance standards contained in Section 5-600. This proposal was part of an intent to amend on 4/17/07. Therefore, ZORC did not comment upon this amendment.

STAFF RECOMMENDATION:

Staff supports the revised definition for farm market recommended by the Planning Commission.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission recommends this definition to reconcile differences between the definition of Farm Market and the performance standards.

61. Article 8, Definition of Heavy Equipment

This definition includes trucks, buses, boats, recreation vehicles, taxicabs, ambulances, motorcycles, mobile homes, trailers, and farm and construction machinery or equipment.

ZORC RECOMMENDATION:

ZORC does not believe motorcycles belong in this category of vehicles. Therefore, they recommend deleting motorcycles from this list. By doing so, motorcycles would fall within the definition of "Motor Vehicle Sales, and Accessory Service."

STAFF RECOMMENDATION:

Staff supports the deletion of motorcycles from the heavy equipment definition. However, it was noted for the Planning Commission that it would be appropriate to also have companion definitions for "motorcycle" and "all-terrain vehicle (ATV)" in Article 8.

PLANNING COMMISSION RECOMMENDATION:

Accepted Staff and ZORC recommendations.

62. Article 8, Definition of Lot Coverage

The definition is simply the percentage of land covered by principal or accessory buildings or structures.

ZORC RECOMMENDATION:

Please see #19. ZORC recommends excluding parking garages from lot coverage calculations.

STAFF RECOMMENDATION:

Staff concurs with the revised definition of lot coverage recommended by the Planning Commission.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission revised the ZORC language and also recommends that uncovered decks be excluded from lot coverage.

63. Article 8, Definitions of Setback and Setback

There are two definitions of setback, one to define the term as used throughout the Ordinance and one to define the term as used throughout Section 5-600.

ZORC RECOMMENDATION:

Minor edits.

STAFF RECOMMENDATION:

Staff recommends minor revisions to clarify these definitions.

PLANNING COMMISSION RECOMMENDATION:

Accepted Staff recommendation.

64. Article 8, Definitions of Sign and Sign, Area of

These definitions include both faces of a sign and the supports upon which the sign sits.

ZORC RECOMMENDATION:

ZORC recommends deleting the wall work incidental to sign decoration and supports from the definitions of sign and sign, area of. Please note that ZORC did not do a companion amendment to the matrix or illustrations.

STAFF RECOMMENDATION:

Staff recommends the existing definition be retained as there is no companion amendment to Section 5-1200, which contains the sign matrix and illustrations that demonstrate how to measure a sign.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission does not support changing the definition at this time and recommends the definition be evaluated with an upcoming zoning ordinance amendment.

Issue identified in Staff Report but not in Matrix:***Section 3-907(F), Access Limitation for Certain Uses in the Commercial Light Industry (CLI) District:***

Certain permitted uses and all special exception uses in the CLI district are subject to Section 3-907(F), which limits direct access to Route 50 to right-turn-in entrances only as approved by VDOT. ZORC recommends adding a provision to also allow right-turn-out movements to Route 50. It has belatedly come to staff's attention that the proposed amendment to this section impacts CPAM 2005-0007, Arcola Area/Route 50 Corridor Plan, which limits access to Route 50. The proposed amendment expands access to Route 50.